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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/893,077

06/27/2001

David Perry Greene

YOR920010303US1

4249

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10/10/2006

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EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/893,077	Applicant(s) GREENE ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, 9-13, 15, 16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9-13, 15, 16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 3-7, 9-13, 15, 16 and 18-24 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 9-13, 15, 16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss (US Patent No. 6,647,373).

Applicant's representative argues that Carlton-Foss provides no distinction between workstation terminals as being used by a primary market participant or a secondary market participant and that Carlton-Foss lacks any disclosure of the communication of a portion of the RFP to a secondary marketplace participant.

In response, as per claims 1, 7, 13 and 20-24, Carlton-Foss discloses a method for facilitating for proposal (RFP) in an electronic marketplace, the method comprising the computer implemented steps of:

Posting the RFP in an electronic marketplace;

Providing access to the RFP to the plurality of marketplace participants to generate a proposal for the RFP and posting the proposal for the RFP. See column 5, line 32 to column 6,

line 9. Carlton-Foss teaches that “[r]equestors are able to view the bids on their requests in order to monitor the progress of the auction and to select zero or more winning proposals. Authorized bidders are able to view selected parts of the bids and responds with revived proposals”. See column 6, lines 14-18. While Carlton-Foss does not explicitly state a secondary market makers. Carlton-Foss also states at column 6, lines 42-46 state “[T]his new or modified bid will cause new or modified information to be displayed on the requestor worksheet and the bidder worksheet described below, whether the bid is competitive or not competitive with existing bids”.

The Examiner asserts that another authorized bidder related to one or more authorized bidders given the opportunity to submit bid by the one or more bidder is considered as a secondary market maker since the another bidder becomes an authorized bidder who may view selected bids, portions of a bid and submit revised bids as indicated by Carlton-Foss. Furthermore, the assignment of an individual authorizing another individual to perform a task or function is old and well known in the art. Thus, the secondary marketplace participants generating the proposal for a portion of the RFP would have been left with the agreement among the participants as such does not attribute to patentable differences. Furthermore, Carlton-Foss describes and contains all the structural and functional relationships of a computerized system for performing all types of communications functions via the Internet using web pages. Communications among the participants would have been obvious to one of ordinary skill in the art to do so as to share bids information. The different participants modifying or submitting a proposal on behalf of another participant thus becoming first and secondary marketplace participants merely coincides with the nature of communicating information and performing tasks among a plurality of business entities as such would have been obvious to do in the system

of Carlton-Foss for the purpose of determining whether or not to modify a previously submitted bid that the business partners would feel comfortable with.

As per claims 3, 10 and 16, the modified version of the RFP is based upon proposals submitted by the primary and secondary marketplace participants as argued above and in consideration with the teachings at column 6 lines 41-61 of Carlton-Foss.

As per claims 9 and 15, Carlton-Foss discloses access to the proposals posted by primary and secondary marketplace participants is restricted to specific parties. See column 5, lines 63-67.

As per claim 4 Carlton-Foss discloses providing a modified version of the original RFP of the original RFP in the electronic market place, wherein modifications are based upon proposals submitted by the primary and secondary marketplace participants. See column 6, lines 26-40 and column 10, lines 10-14.

As per claims 5-6, 11-12 and 18, see column 5, lines 39-42 and column 6, lines 27-31.

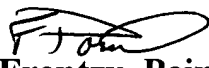
### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3628**

FP

September 26, 2006